Food and Agriculture Organization of the United Nations

Status of community-based forestry and forest tenure in HONDURAS

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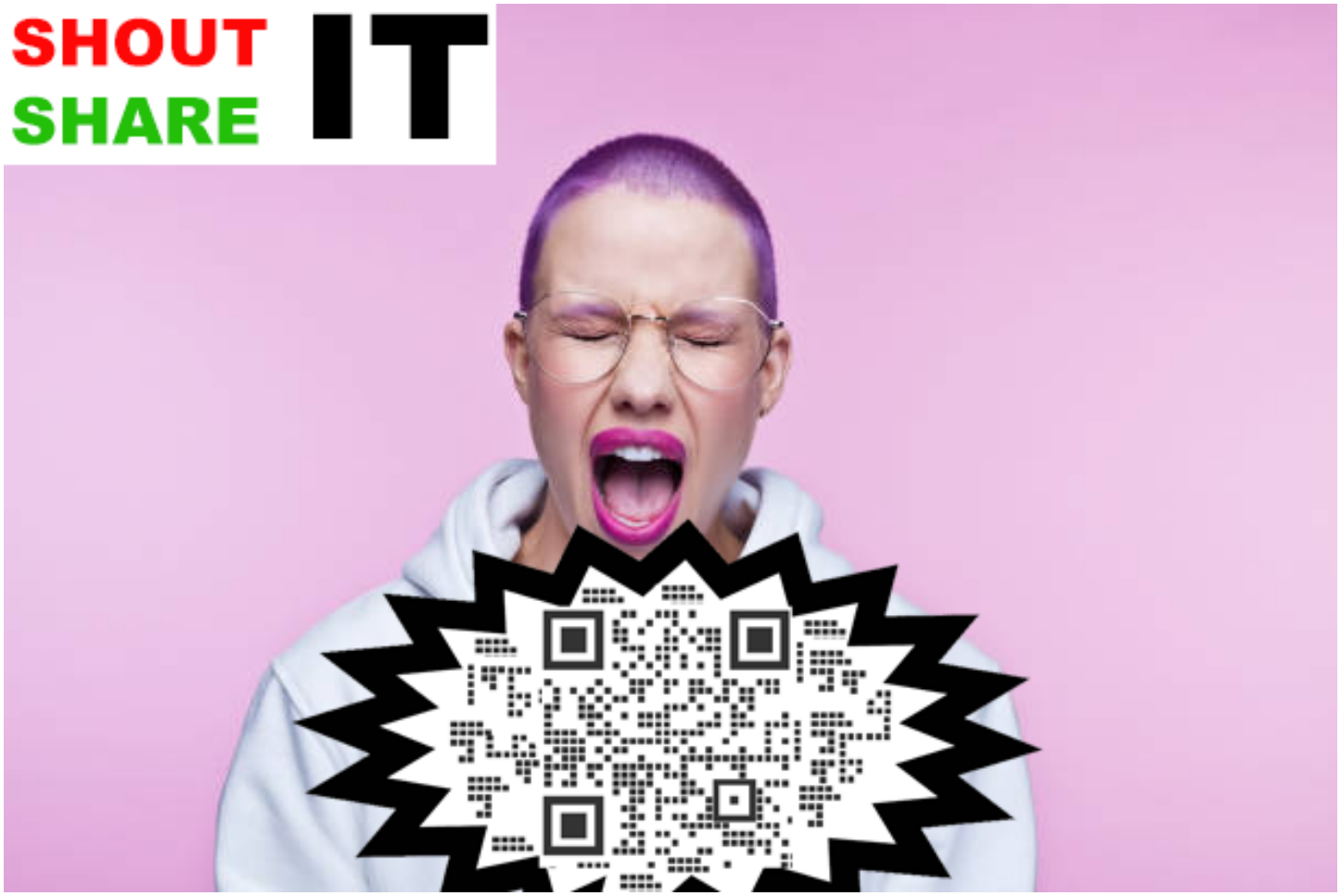
1. Background and objectives

In 2018, the United Nations Food and Agriculture Organization (FAO), in collaboration with the National Institute for Conservation and Forest Development, Protected Areas and Wildlife (ICF), supported both a forest tenure and a community-based forestry (CBF) assessment in Honduras. The purpose of the assessments was to understand the existing CBF systems in the country, the associated tenure arrangements and the strengths and limitations of these tenure systems with regard to the incentives that these provide for forest governance and their ability to support local livelihoods.

The assessments were based on recently developed frameworks by FAO (2019a, 2019b). The CBF assessment sought to identify the spatial extent of CBF regimes, the degree to which CBF regimes are integrated into the national legal framework of Honduras and institutionalized in practice, the tenure rights and responsibilities associated with the regime, and the impact of CBF on natural, social, institutional, human and financial capital. The Forest Tenure Framework assessed the forest tenure context against the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (the VGGT) endorsed by the international community in 2012. It sought to evaluate the policies, laws, institutions and tenure administration in Honduras, and identify and prioritize actions for strengthening the governance of forest tenure in the country.

The CBF framework assessed agroforestry groups on State forests, ejidal (or municipal) forests, and forests owned and managed by indigenous and Afro-Honduran communities (PIAH communities). The forest tenure framework assessed agroforestry groups on State forests, forests owned and managed by indigenous people and Afro-Honduran (PIAH) communities, and private forestry. It also identified the customary tenure systems in forest areas not recognized by statutory law and the concerns associated with them. Both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Key messages

Whereas 87 percent of Honduras' territory is designated for forestry, only 58 percent (or 6.4 million hectares) currently has forest cover. On average 54 000 hectares of forest are lost each year due to clearing of forests for agriculture, cattle ranching, industry and human settlements, especially urban expansion.

Honduras' legal framework supports three key regimes for community-based forestry: (i) user rights granted to agroforestry cooperatives and associations in or around national or ejidal (municipal) forests; (ii) recognition of collective rights of indigenous and Afro-Honduran communities on customary lands; and (iii) private smallholder forestry granting perpetual use and management rights to forests. Nearly seven percent of forests in Honduras are managed via agroforestry contracts, while two percent are formally owned and managed by the indigenous and Afro-Honduran communities. Other private forests constitute 17 percent of Honduras' forests, but the percentage of these held by smallholders versus large holders and industry is unknown. Overall, the area under community-based forestry regimes has increased in the past decade, but support to, and performance of, these regimes has been much lower than expected with regard to improvements in social, institutional and financial capital, while information is lacking with regard to improvements in natural capital.

While formal right holders enjoy strong tenure rights, the processes for securing such rights are complex, costly and can lack transparency and equity. Additionally, rights to forest resources are sometimes undermined by mega-projects such as mining and hydroelectric dams. These can weaken the rights of indigenous and Afro-Honduran communities in particular. At present, government support to small and medium-sized forest owners is largely non-existent. Meanwhile, women, the poor and other vulnerable populations are often left out of contracting, registration and decision-making processes, hence failing to participate in agroforestry and smallholder forestry with any success. These factors, combined with the weak and under-resourced government forestry sector, have limited the extent and effectiveness of community-based forestry in the country.

Their effectiveness can be greatly enhanced by:

- Clarifying tenure to the vast area of the country's forest estate currently lacking tenure information;
- Regularizing all legitimate community and smallholder forest rights, and ensuring protection against large-scale investments;
- Strengthening dispute resolution systems and making them accessible to communities at the local levels;
- Simplifying procedures and reducing costs for obtaining titles and contracts to forests and for the preparation of forest management plans;
- Expanding support to community, small and medium-sized forest owners for improving forest management and local livelihoods;
- Improving participation of women and vulnerable groups by including them in rights registration processes and associated cooperatives and associations; and
- Strengthening the technical and administrative capacity of the forestry sector to promote sustainable forestry, clarify and safeguard rights, support community-based forestry across Honduras, and promote participatory policy-formulation processes.

assessments were completed by in-country consultants who conducted a desk review of laws and policies, key informant interviews and field visits to understand the level of implementation of specific tenure systems. The work was concluded with a final validation workshop in Tegucigalpa in May 2018 to share findings, fill information gaps and agree on recommendations with both government and non-government stakeholders. The findings are aimed at informing future forestry policy as well as legal and regulatory reforms and programmes in country.

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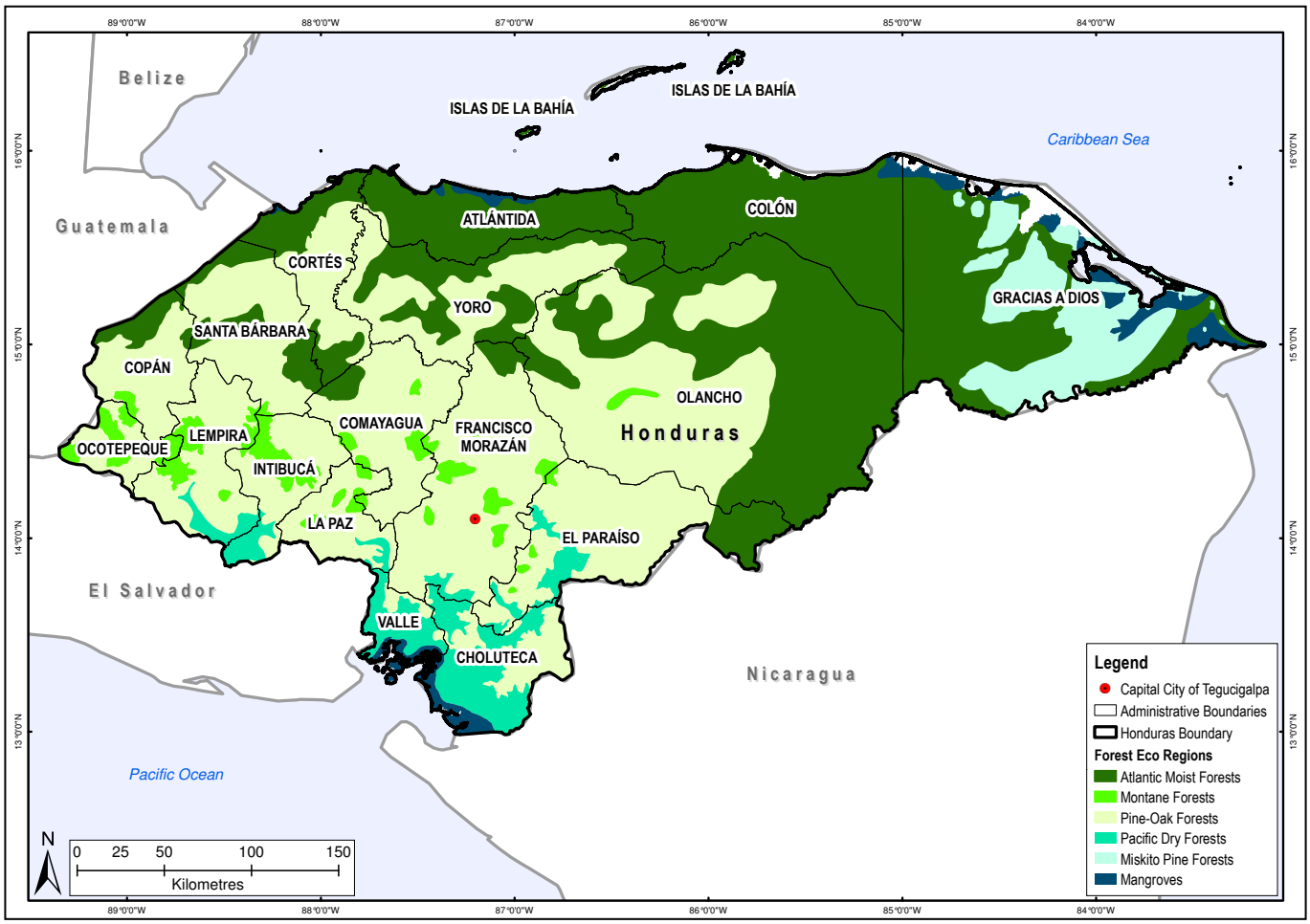
2. Country context

2.1. Types and status of forests

With a total land area of 11.2 million hectares, Honduras' forest cover represents 58 percent of the total land cover, i.e. 6.4 million hectares (ICF data, 2019). These forests include moist and dry broadleaf forests, coniferous forests and mangroves.

Honduras has been experiencing significant deforestation, losing 37 percent of its forest cover between 1990 and 2005 (World Bank, 2006). There is further indication that an average of 54 000 hectares of forest are lost each year (GIZ, 2011). Causes of deforestation and degradation include clearing of forests for agriculture, cattle ranching, industry and human settlement, especially around major cities. Areas most affected include northern Comayagua department as a result of coffee crop expansion, illegal logging in the northern municipalities of Olancho, and deforestation in the Mosquitia protected areas (GIZ, 2011). Between 2012 and 2016, the southern pine beetle (*Dendroctonus frontalis*) destroyed nearly 509 000 hectares of pine forest (ICF, 2017). In 2006, by presidential order, Honduras created a special fund for reforestation equivalent to one percent of the national budget, but restoration has not been significant.



Honduras' land and forest resources. Source: Earthdata, NASA

2.2. Legal and institutional framework governing forest tenure and community-based forestry

Article 340 of Honduras' Constitution (1982, amended in 2005) declares reforestation and forest conservation to be of collective interest. Prior to that, however, the 1974 Law on Agrarian Reform allowed forest land to be granted to agrarian reform beneficiaries as private property (contrary to the 1971 Forestry Law) for food production, and clearing of forests was used as evidence of land use.

The situation changed in the following years. The Law for the Modernization and Development of the Agricultural Sector (1992) reversed the Law of Agrarian Reform provision by excluding forest land for purposes of agrarian reform. The 1992 law devolved forests to land owners according to management plans developed by the owners

and approved by the forestry authority. It left only national forests under the direct administration of the State.

In 1994, Honduras adopted the Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries. The associated decree granted indigenous and Afro-Honduran communities autonomous rights over their forest and other lands and provided the rights to set their own priorities over the use of these lands. However, the first transfer of forest land to an indigenous organization did not occur until 2015 when an agreement was signed between the indigenous organization Mosquitia Asla Takanka (MASTA) and the ICF to support conservation and sustainable management of the Miskitu indigenous territory.

In 2000, the Municipalities Law provided for municipality ownership of rural ejidal lands designated for forest use, usually in buffer zones of protected areas. This allowed municipalities to either manage the areas themselves according to an established management plan or to contract with third parties, including communities, to manage them.

In 2007, the Law on Forests, Protected Areas and Wildlife (LFAPVS) (2007) was adopted as the new law governing the forest sector, incorporating indigenous territories and ejidal lands as additional forest tenure categories based on Convention 169 and the Municipality Law, respectively. The law reinforced forest rights of private landowners, as well as specifying the obligations with regard to protection, reforestation and rights to benefit from forest management. It declared regularization of forest lands to be in the public interest, whether on behalf of the State or private persons. It designated the ICF as the principal body in charge of forest management, while the Institute of Property remained in charge of regularization of property rights including forest rights. It incorporated the 2006 presidential directive creating a special fund for reforestation of degraded and deforested land designated for forest use. This led to the certification of 32 600 hectares of forest plantations between 2006 and 2015.

The LFAPVS (2007) strengthened the social forestry sector (locally referred to as Sistema Social Forestal or SSF) operating since 1974, by promoting CBF as a means for efficient use of natural resources and improving rural livelihoods. It provided for community forest-management contracts, providing communities usufruct rights to tracts of government-owned forest land for up to 40 years. The ICF was put in charge of promoting, organizing and strengthening the SSF as a means to involve the communities living in or around national forest areas in the protection, management, afforestation and use of the forest. The forestry law also charged municipalities with promoting SSF through community participation in ejidal forests, thereby fulfilling their social, economic and environmental functions. These provisions are further supported by the National Forest Policy 2013–2022, which among its objectives seeks to "consolidate and strengthen the Social Forestry System as a means to improve the quality of life of the population, incorporating the communities that live in the periphery or within the national forest areas…in the transformation, industrialization and commercialization of the wood and non-timber products".

Other relevant laws include the Law on Forced Expropriation (1914), which states that evictions and imposition of limits on property rights must be accompanied by just compensation. It also includes a 2015 executive agreement regarding ecosystem services that supports the implementation of compensation mechanisms for ecosystem goods and services at community, municipal, regional and national levels. The environmental services defined in the agreement are water regulation, carbon storage, conservation of ecosystems and wildlife habitat, and landscape and soil conservation.

2.3. Forest tenure and management regimes

There are both formal and informal forest tenure types in Honduras. The forest tenure assessment describes informal tenure types as those not eligible for title, either because they are irregularly occupying public land or encroaching on private land. These include users of national and ejidal lands, mainly *campesinos* engaged in subsistence agriculture; the non-indigenous *ladino* communities occupying land belonging to indigenous populations, mainly as grazing areas after forests are logged; those occupying protected areas, mainly for agriculture but also for artisanal mining; and lands irregularly acquired by powerful interests, mainly for megaprojects such as biofuels, hydroelectric, mining and tourism complexes. These include lands usurped by private interests to grow African oil palm plantations on land claimed as communal lands of farmers.

Formal ownership of forest land includes the central government on national lands, the municipal government on ejidal lands, private individuals or legal entities on private lands, or indigenous communities on communal or intercommunal lands. Communities legally constituted as cooperatives or associations may acquire rights to resources on government-owned and communal lands, as described below.

National forests. These constitute 1.9 million hectares, or 30 percent, of the total forests and are administered by the ICF or other public entities (ICF data, 2019). The ICF typically contracts their management or co-management to third parties, including agroforestry cooperatives and associations, organizations that manage protected areas, logging enterprises and families claiming use rights on public land. Contracted third parties must obtain permits for resource use, pay taxes on forest products harvested, prepare inventories and comply with forest management plans at their own cost.

Ejidal lands. These comprise nearly 634 312 hectares, or about 9.9 percent, of the nation's total forested area (ICF

data, 2019). These forests are owned by municipalities. Management rights may lie with the municipality, be shared with other municipalities or assigned to third parties via contracts, but must conform to forest management plans typically prepared by the private sector and approved by the ICF. Third-party contracts are often with private sector companies, but some are co-management arrangements between municipalities and agroforestry cooperatives or associations. Municipalities can define and impose limitation on third-party rights, but they do not have the right to alienate forest land.

Private tenure. These comprise approximately 1.3 million hectares, or 20 percent, of the nation's total forested area (ICF data, 2019). Under this regime, natural or legal persons are assigned perpetual rights to forested areas secured through registered title. Owners manage forests to support production objectives, but are obligated to protect and reforest the areas and to exploit them in accordance with a management plan. The plan must be prepared by a forestry engineer and approved by the ICF, which retains supervision responsibilities. Owners may use wood and non-wood forest products (NWFPs) for commercial or subsistence purposes but must pay taxes. Owners may alienate their forest land and use it as a guarantee. Owners also retain exclusion rights, with the exception of cases of public interest when the State may exercise its expropriation rights. Expropriation for public interest is subject to prior and fair compensation to the owner.

Also under private forests are the communal and intercommunal forests. These forest areas constitute 150 912 hectares or 2.3 percent of the total forest area. This regime grants perpetual collective ownership rights to indigenous and Afro-Honduran communities on their ancestral lands. The ICF holds the authority to issue titles in accordance with Convention 169 and has thus far granted permanent ownership rights to the Miskitu People for their traditional land. The law permits extension of titles to one community, or council of several communities in cases where overlapping rights to forests exist. Communities are obligated to protect and manage these forests sustainably in accordance with community forest management plans. The government imposes no restrictions on the harvesting of wood and NWFPs by members for commercial or subsistence purposes, except that sales of commercial products are subject to taxation. Communities hold rights of exclusion. They are restricted from alienating or transferring their land. In case of proposed expropriation, indigenous rights of free, prior and informed consent (FPIC) allow communities to deny expropriation of land or to be compensated.

Agroforestry cooperatives and association contracts. Agroforestry cooperatives and associations may obtain forest use and management rights on national, ejidal or indigenous forests through contracts. Such contracts constitute 444 346 hectares of forest land or seven percent of the total forests. Contracts may vary in duration and specify the rights to harvest certain wood and NWFPs for subsistence and commercial use based on forest management plans that spell out the specific forest products and terms of use, levels of use and techniques permitted. Contracts may not allow hunting of wildlife for sale for commercial purposes. Use rights are more stringent for protected areas. The gov-

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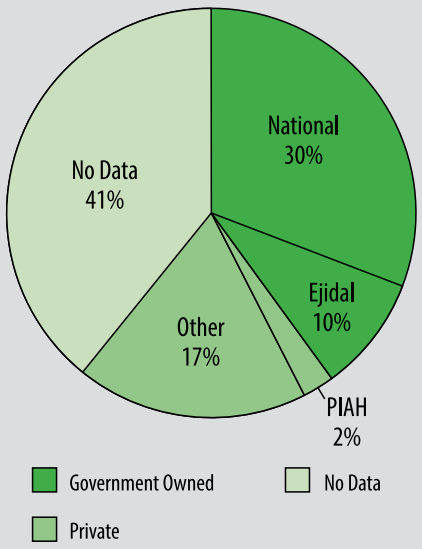
ernment retains the right to exclude others and to impose restrictions on rights, which has been known to happen in the case of hydroelectric and mining projects. Contracted parties are also not entitled to compensation in the event that contracts are revoked. Indigenous communities are responsible for establishing regulations and processes for indigenous lands to ensure contracting cooperatives comply with their responsibilities. The government may exercise authority over aspects of forest management including the collection of forest products and their marketing through the approval of operational plans and granting of resource-use permits. Cooperatives and associations entering into management agreements must be legally constituted before the Rent Administration Service (SAR) and registered as a federation with the National Supervisory Council of Cooperatives and in the Department of Community Forestry Development of the ICF.

Figure 1 shows a breakdown of the areas occupied by each CBF regime as of 2019.

Figure 1: Forest ownership



Source: *Data provided by ICF data, 2019.*

Note: *The PIAH include forests belonging to the indigenous (Miskitu territories) and the Afro-Honduran communities.*

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3. Major findings of the assessments

3.1. Critical strengths and weaknesses of the community-based forestry regimes

Recognition and protection of rights. The forest tenure assessment reports that Honduran law recognizes and affords protection to all forest tenure rights secured under title or contract. In particular, those occupying government-owned forest lands must enter into contracts to exercise rights to use forest products legitimately, as well as obtain permits and licences.

The extraction of forest products must be specified in an approved management plan, the process for which is bureaucratic and costly, especially for the poorest and most vulnerable. There have been numerous complaints about the excessive bureaucracy entailed in obtaining authorizations, licences and permits that allow use of forests. Although there are policies and an Administrative Simplification Law that seek to simplify administrative processes, they appear to have had little impact on improving efficiency and facilitating access of forest communities.

Some protection of rights is accorded to customary tenure systems whether formalized or not, especially in the Miskitu territories, although there have been cases of mega-projects being granted land in the indigenous territories. Informal rights are rarely protected, such as the rights of persons occupying lands contracted to cooperatives, communities or companies for exploitation. Such individuals, when excluded from the contracts, sometimes undermine operations, or require companies holding contracts to invest in community projects or compensate them for loss of rights.

Support for the enjoyment of rights. The LFAPVS grants special benefits to peasants grouped in the SSF, including financing for protection and reforestation activities, and provision of technical and market information by ICF and other State institutions. Benefits are likewise extended to indigenous and Afro-Honduran communities. These initiatives are well-harmonized with other support programmes that provide access to credit, inputs, markets and technical assistance. Such support is not provided to owners of small and medium-sized private forest tracts who face significant challenges and sometimes end up transferring their lands to logging companies.

Administration of tenure. With few exceptions, the tenure rights accorded to beneficiaries are safe and are registered in a public registry – either in the property register for formal rights or in a special registry for usufruct contracts in the ICF. The ICF, the National Agrarian Institute and the Property Institute facilitate the registration of tenure rights using mobile centres, mass information and professional support for vulnerable groups. The registration fees are affordable for most. Yet processes for securing titles and contracts are complex, and not always transparent and equitable. Also, information provided is normally only in Spanish and hence less accessible to people and communities that speak primarily indigenous languages. Surveying requirements to secure titles are also very costly for smallholders. The ability to secure tenure is further impeded by the various types of land conflicts involving irregular titles, along with competing claims within protected areas, indigenous territories, mining zones and special development zones. Tenure rights of indigenous peoples and other communities with traditional tenure systems are generally registered along with other tenure rights, but registration is often impeded by overlap with individual titles issued to large farms for livestock raising.

Typically, heads of household, usually men's names, are recorded on land titles and they are members of cooperatives and associations that acquire rights through contracts. The mechanisms for securing the tenure rights of female spouses and family members whose names do not appear as rights holders in the registration systems are not clear, leading to their marginalization and exacerbating their vulnerability. This is despite the Constitution, gender equity policies and plans, and the Civil Code (1906) establishing rules on non-discrimination, equity and right of succession. Furthermore, the transfer of conjugal property on national and ejidal lands is not very clear in cases of non-conventional marriages or unions. In the case of indigenous territories, customary rules of succession apply.

Land use and investment. Although the State is obliged to ensure that use of forest lands prioritizes food security, profit-generating investments such as African oil palm plantations, mining, biofuels, tourism and special economic zones are being prioritized over food security and poverty reduction. Similar contradictions exist between implementation of environmental policies versus the priority given to support productive activities such as mining and hydroelectric dams on indigenous and smallholder lands. Although environmental impact assessments (EIAs) are required, the new regulation makes the timing of conducting EIAs flexible such that activities can begin prior to completion of the evaluations. Prior consultation is only required when it affects indigenous territories. In other cases, consultation should form part of the EIA. However, this provision is not always applied consistently and effectively, enabling investors to oust smallholders, especially the poor and most vulnerable. Registries and other tools for monitoring property transactions on private and public property enable prospective investors to identify existing

claims, so as to prevent conflicts and potential violations of human rights. However, there is little evidence that the registries are effectively used for this purpose.

Expropriation. Expropriation of forest rights is permitted for reasons of social interest or public necessity. The process calls for compensation to those affected such that they are not negatively affected. However, public disclosure of expropriations sometimes does not reach the target population promptly and in the appropriate language. Also, compensation is not always prompt or just due to inadequate budget or non-compliance with the law.

Institutional capacity. According to the tenure assessment, the ICF remains weak, with little influence over political decisions and over other public entities that affect the forestry sector. Although the ICF and other institutions with forest management functions have clear responsibilities regarding forest tenure and the ICF has several regional and local offices, the coordination between them is inadequate, especially in supporting ejidal and private forests. The ICF also lacks sufficient resources to fully provide all assigned services. Instead, certain functions such as valuation of forest environmental goods and services are delegated to Forest Research Institutes such as SINFOR.

The sectoral regulations call for transparency and accountability in the allocation of rights over land and forest tenure based on established criteria and procedures shared via a public portal. However, the portal is not very accessible to vulnerable groups and opaqueness in the decision-making over allocations prevents its effectiveness.

The Forestry Monitoring Unit of the ICF applies monitoring-reporting and verification methodologies to track critical indicators and presents reports that inform relevant decisions. However, despite these and the supporting legal framework, monitoring of management plans for forestry activities and environmental mitigation remains ineffective.

Dispute resolution. The law provides for several mechanisms of dispute resolution, but they are located mostly in urban areas and conducted only in Spanish. Application of the Conciliation and Arbitration Law is limited because centres are only located in Tegucigalpa and San Pedro Sula, and in these environmental cases do not have priority. Vulnerable groups have difficulty accessing these centres due to geographic distance, social or cultural conditions, and poor knowledge of the law and their rights. Mediation can be used by agreement of the parties, but agreements are not enforceable. There are special prosecutor's offices to serve women, ethnic groups and other marginalized groups, but they work with limited resources. The law provides for mechanisms to appeal to the courts, but the courts are hampered by insufficient resources to resolve forestry cases. While legal assistance is provided to the poor and vulnerable, it is often difficult to access for those that require it, particularly outside of cities.

Participation. The law prescribes that formulation of forest laws and policies involve consultation with all interested sectors at different territorial and decision-making levels and include all legitimate right holders. However, recommendations emerging from these consultations are not always addressed despite their pertinence. Stakeholders tend to be dispersed and hard to reach and may have difficulty understanding Spanish. Consultations rarely involve vulnerable populations as they lack formal representation. Furthermore, forestry advisory councils composed of representatives of different forestry sector stakeholders have been established and may participate in decision-making processes related to forests. However, such councils have not been established throughout the country and many are not functioning well.

Progress in the promotion of community-based forestry and associated outcomes. The CBF assessment reports specifically on the status and effectiveness of CBF

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in Honduras. The assessment notes that, as of December 2017, there were 129 agroforestry cooperatives or associations with CBF management contracts, down from 212 recorded in 2008. And less than 11 000 of the eight million people in Honduras are noted as participating in CBF.

There is notable support for CBF in Honduras with policy, law and strategic plans of governing institutions providing a robust legal framework and a Community Forestry Development Department within the ICF that is specifically dedicated to the promotion of CBF.

Although 24 of around 900 personnel working in the forest sector have CBF included in their terms of reference, there is still not enough staff to follow up on each of the CBF regimes in Honduras. In particular, the Department of Community Forestry Development has six technicians in the central office, 12 technicians in the regional offices who support the management of watersheds and protected areas, and six technicians in the local offices.

For ejidal forests, support has been provided for the strengthening of community organizations and municipalities, but there is a lack of monitoring and technical support from the municipalities necessary to fulfil their contractual co-management obligations.

There are a number of civil society organizations (CSOs) supporting CBF, including 128 cooperatives under the Honduran Federation of Agroforestry Cooperatives (FEHCAFOR) founded in 1974, and the Federation of Agroforestry Producers of Honduras (FEPROAH) founded in 2000 and comprising 43 agroforestry businesses. These federations support their members with technical assistance mainly for wood processing and marketing. A particularly successful case is the implementation of CBF in the indigenous Miskitu territory by the agroforestry associations of Pranza Prana and Wanki Tangni. These agroforestry contracts were supported in the preparation of management and operational plans, and the Communal Council of Pranza and Suhi is effectively overseeing the proper use and management of forest resources.

Currently, the main constraints facing the SSF are financing for the preparation of management plans and the need for the revision and modification of these technical instruments to ensure they meet local demands.

Examining changes in natural capital, the report finds that the area under CBF regimes has increased from 283 429 to 444 346 hectares between 2008 and 2015. However, the volume of wood produced in these areas has shown a decline. There is some indication that unplanned fires have diminished over time. For example, data show that 26 757 hectares of national forests were affected by spontaneous fires in 2008, but in 2016 only 8 879 hectares were affected. In ejidal forests the area affected by fire was 9 320 hectares in 2008, but only 4 542 hectares were affected in 2016. Meanwhile, the incidence of pests in national forests has increased greatly from 198 hectares affected in 2008 to 207 415 hectares affected in 2016, and in ejidal forests from 198 to 65 618 hectares. This has affected both the CBF and non-CBF areas and is mainly due to the outbreak of bark beetles in 2016, which attack pine species. Data are not available specifically for CBF areas within these national and ejidal forests.

With regard to financial capital, the felling of 436 853 m^3 of standing timber under CBF regimes was authorized in 2016, generating income for Honduras' forest communities. Data for previous years were not available for comparison.

Improvements with regard to equitable participation have been modest over the past decade. In 2008 it was reported that women represented 18 percent of the membership of the 212 registered organizations. By December 2017, across the 228 organizations registered, 27 percent of the members were women.

3.2. Ratings of assessment criteria

The forest tenure assessment evaluated the alignment of formal CBF regimes – agroforestry contracts, indigenous and Afro-Honduran community forests, and small and medium-sized private forests – against the criteria established by the VGGT namely:

Recognition of rights: whether the State recognizes and respects the rights of all legitimate right holders;

Protection of rights: whether safeguards are in place to protect legitimate tenure rights against threats and infringements;

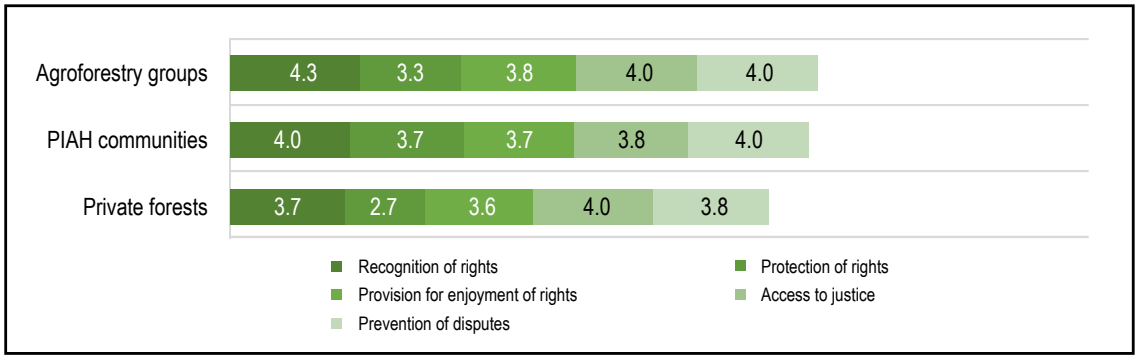
Enjoyment of rights: whether there are measures to promote and facilitate the full realization of tenure rights;

Provision of access to justice: whether mechanisms to address infringements on tenure rights are provided and accessible to all; and

Prevention of conflicts: whether measures exist to prevent tenure disputes from escalating into violent conflicts.

Figure 2 depicts the rating of these measures on a scale of 0 to 5, with 5 representing full compliance with the VGGT principle, for each of the formal CBF regimes examined. Overall, agroforestry contracts and rights of indigenous and Afro-Honduran communities received similar ratings across the criteria. However, private smallholder rights were shown to have weaker rights recognition, protection, provisions for enjoyment of rights, and provisions for prevention of disputes compared with the other groups. This is mainly because of the weak implementation and support provided to this tenure regime.

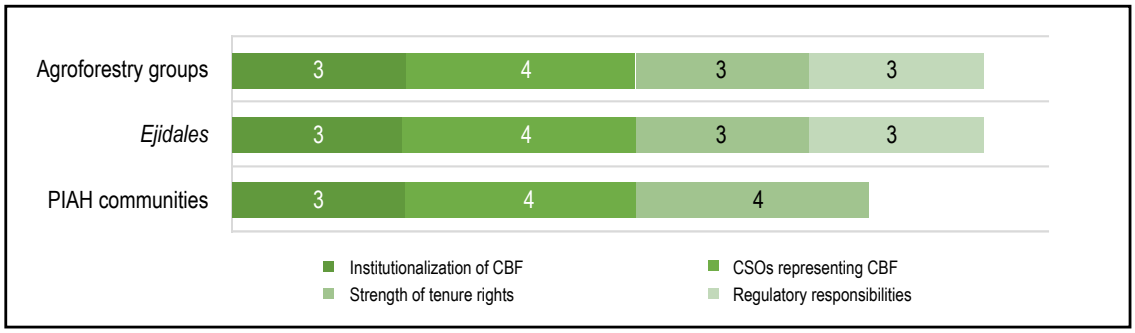
Figure 2: Formal forest tenure system alignment with the tenure principles in Honduras



Note: 'Private' refers to private individual holdings (small and medium-sized holders)

Figure 3 shows the enabling environment as determined from the CBF assessment with regard to institutionalization of CBF in the legal framework, strength of civil society representing CBFs, strength of tenure rights as provided by statutory law, and the constraining and enabling effect of regulatory responsibilities. Here, the notable variation was in ratings for strength of tenure of indigenous and Afro-Honduran communities. This is because the CBF assessment included an evaluation of the range of rights in these criteria (right to access, withdraw, manage, exclude, transfer rights, and right to compensation in case rights are rescinded), which are stronger for these communities than for agroforestry groups or the *ejidales*.

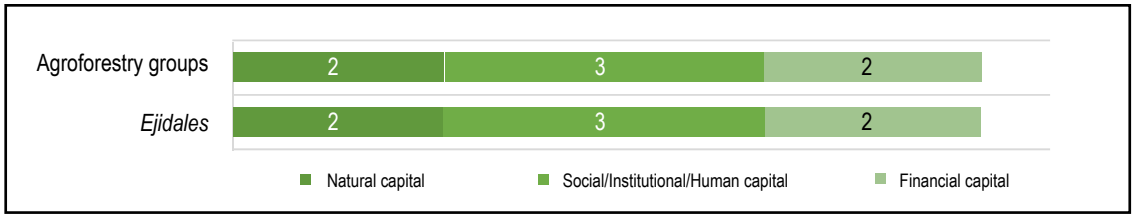
Figure 3: Enabling environment for community-based forestry regimes in Honduras



Note: The CBF assessment did not review smallholder forestry, and it did not rate regulatory responsibilities for indigenous and Afro-Honduran communities.

Finally, the CBF assessment framework assessed the status of natural capital; social, institutional and human capital; and financial capital for the various CBF regimes. Figure 4 illustrates the assessment of effectiveness of the CBF regimes, with 5 indicating the highest level of capital. Very limited data were available to carry out objective assessments of change. The evaluators relied on perspectives of the forestry officials and community members in selected areas. Both tenure regimes assessed yielded the same ratings across the three criteria. Further research is needed to substantiate these perspectives.

Figure 4: Effectiveness of community-based forestry regimes in Honduras



Note: The CBF assessment was unable to rate the effectiveness of indigenous and Afro-Honduran community forests due to insufficient information.

4. Key conclusions and recommendations

The CBF and forest tenure assessments show that participatory forestry has significant support in the policy, legal and institutional frameworks in Honduras. The assessments also indicate that the area under CBF regimes increased by 56 percent from 2008 to 2015. However, the ICF as the major responsible body is too under-resourced to provide the required technical support to CBF areas. Moreover, while agroforestry cooperatives and associations are providing critical technical support to members, CBF continues to be constrained by a lack of finances for the preparation of forest management plans. With regard to natural capital, the area under agroforestry contracts has increased, suggesting improvement in forests. However, no disaggregated data are available to determine impact on forest fires or control of pests, nor is information available on the level of forest regeneration, impact on biodiversity or on ecosystem services. In terms of financial capital, the assessment shows some decline in overall wood produced in CBF areas, while information is lacking on harvest levels and revenue generation from other forest resources. Recommendations emerging from the assessments are provided below:

Recognition and protection of rights

- Prioritize fair and equitable resolution of tenure across the large percentage of the country's forest estate currently lacking tenure information;
- Regularize all CBF rights including agroforestry contracts, and indigenous and Afro-Honduran communal forest lands across the country;
- Improve land and forest laws and administrative regulations to ensure that spouses (including consensual union couples) are awarded joint titles to property and joint membership in cooperatives and associations engaging in CBF contracts;
- Eliminate requirements to obtain permits for forest resource use already spelled out in contracts and management plans of third parties;
- Consider removing taxes on the sale of wood and NWFPs for CBF enterprises; and
- Adapt forestry law to protect informal rights that have legitimacy at the local levels. These can be justified by the argument that those who live in the forests are best positioned to protect them.

Participation

- Establish policy-formation mechanisms that guarantee inclusive, transparent and fair participation of all stakeholders. Standardize procedures for consultation and participation, and strengthen forest advisory councils; and
- Implement consultation protocols during the development of all spatial plans, land and forest management plans, and prior to changing any tenure regime (such as in the declaration of micro-watersheds, protected areas and regularization of land). Ensure consultation with all local stakeholders prior to such initiatives and adapt them to the needs of the local populations.

Processes for securing formal rights

- Expand support to owners of small and medium-sized forest lands, providing updated information on forest products and production inputs, market information and legal education;
- Raise awareness of, and support the relevant Ministries and departments to comply with the Law on Administrative Simplification;
- Simplify processes and procedures for allocating forest rights, obtaining permits and licences, and in the preparation and approval of management plans. Streamline survey requirements and lower the costs of securing formal rights to land and forests to ensure there is no discrimination on the basis of wealth, geographical location or other factors; and
- Review property registration and usufruct contract procedures. Adapt them to the different populations based on culture, education and geographical location.

Expropriations and large-scale investments

- Embark on a high-level initiative to harmonize laws and policies (e.g. National Land Policy, National Forest Policy, Land and Forest Laws) that prioritize local food security and environmental values with those that promote large-scale investments;
- Reform the land and forestry laws or regulations to: a) define "national interest" appropriately, so as to prevent capture by the private sector; b) establish protocols to ensure proper implementation of the FPIC approval process; c) set up a body to enforce FPIC policy; and d) in cases of expropriation, require fair and timely compensation and independent monitoring of the process for all legitimate right holders;
- Apply Article 5 of the General Law of the Environment to ensure that an EIA is conducted by an independent evaluation team prior to the start of a project or activity. The EIA should involve meaningful consultation with all the stakeholders; and
- Explore mechanisms to communicate expropriation-related rights and processes effectively to reach all social, educational and cultural segments of the affected population. Sensitize affected parties on how to report abuses.

Promote community-based forestry and build institutional capacity

- As the representative of the State Forestry Administration, the ICF should assume leadership and coordinate with the other institutions to prepare and justify an adequate budget to fulfil their administrative and technical responsibilities and lobby to get budgets approved, drawing on strategic allies that support them;
- Make adjustments to Honduras' CBF strategy so that CBF of all types involving communities and small and medium holders are strengthened in their ability to generate greater income and contribute to sustainable forest management;
- Decentralize activities to improve support to all CBF regimes;
- Strengthen administrative units to provide community and smallholder organizations better technical and legal assistance to promote and strengthen CBF processes, coordinating with international development projects and programmes. Strengthen capacity of administrative units as well as community and smallholder organizations in implementing sustainable forestry to reduce forest degradation, address pest invasions and promote forest restoration;
- Adopt additional anti-corruption measures to ensure that support to CBF is provided effectively and efficiently. Review and strengthen the ICF's and Property Institute's complaint mechanisms to ensure that confidentiality is maintained during complaint processes and that information is accessible on the progress and results of the complaint; and
- Train community organizations to audit compliance with management plans. Train youth in the different operational and administrative tasks that involve the use of forest products.

Dispute resolution

- Strengthen systems responsible for resolving complaints and minor conflicts, especially within the ICF. This may include strengthening the capacity of regional attorneys in mediating conflicts;
- Promote certification of conciliation or arbitration centres at a regional level throughout the country so that they are recognized by the judiciary;
- Establish special courts prioritizing cases involving forestry companies, which represent the vast majority of court cases on environmental matters;
- Improve access to the judiciary through mobile courts. Promote their use through sensitization, and assist vulnerable groups to access these alternatives;
- Strengthen special prosecutor's offices for women, ethnic groups and others, so that they can provide legal defence services according to the needs of the vulnerable and in the localities where they are most needed; and
- Reconcile disputes over land where there are competing claims and overlapping titles, ensuring just outcomes.

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